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**IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF UTAH**

UNITED STATES OF AMERICA,

Plaintiff,

v.

AARON MICHAEL SHAMO, et. al.,

Defendant.

ORDER TO CONTINUE JURY TRIAL

Case No. 2:16-CR-00631 DAK

Judge Dale A. Kimball

The Defendant, Aaron Michael Shamo, by and through his counsel of record, Gregory G. Skordas and Kaytlin V. Beckett, hereby moves this Court for a continuance of the Jury Trial currently set to begin August 20, 2018. This motion is made pursuant to the Speedy Trial Act, 18 U.S.C. §§3161 (H)(7)(b)(ii) and (iv) which allow this Court to grant the motion to continue where it finds that the ends of justice served by the granting of the continuance outweigh the best interests of the public and the defendant in a speedy trial. Defendant bases this motion on the following:

1. Mr. Shamo first appeared in court on November 23, 2016 for a detention hearing and was assigned counsel, Adam Bridge.
2. Mr. Shamo appeared in court for arraignment on December 7, 2016. At that time the jury trial was scheduled within the required time period and set for February 13, 2017.

3. On January 5, 2017, then defense counsel, Adam Bridge, filed a motion to continue the jury trial, which was joined by the government.

4. On January 6, 2017, an Order granting the continuance was entered and the jury trial was then reset for May 22, 2017.

5. The time period from February 13, 2017 thru May 22, 2017 was excluded from speedy trial act calculations under the Order entered January 5, 2017.

6. The jury trial was then scheduled to commence on May 22, 2017.

7. Mr. Shamo's current counsel entered an appearance on May 11, 2017.

8. On May 15, 2017 Defense Counsel filed a motion to continue the jury after being retained by defendant Shamo.

9. The time period from May 23, 2017 thru August 28, 2017 was excluded from speedy trial act calculations under the Order entered May 17, 2017.

10. On June 29, 2017 the Government provided additional discovery.

11. On June 30, 2017, Counsel for the Defendants motioned the Court for additional time to review discovery and continuing the jury trial, which was joined by the Government.

12. The time period from June 29, 2017 thru August 31, 2017 was excluded from speedy trial act calculations under the Order entered June 30, 2017.

13. The matter was set for a Status Conference on August 31, 2017.

14. On August 31, 2017, the Government informed the Court there was still significant outstanding discovery and, joined by defense counsel, motion the Court to continue the trial.

15. The time period from August 31, 2017 thru December 1, 2017 was excluded from speedy trial act calculations under the Order entered September 1, 2017.

16. On September 13, 2017 the Government provided additional discovery.

17. On December 1, 2017, Counsel for defendants motioned the Court for an extension of time to review discovery still outstanding.

18. The time period from December 1, 2017 thru February 28, 2018 was excluded from speedy trial act calculations under the Order entered December 1, 2017.

19. The Court specifically ordered that all discovery be produced by February 1, 2018.

20. The matter was set for a Status Conference on February 28, 2018.

21. On December 14, 2017 the Government provided additional discovery.

22. On February 1, 2018 the Government provided additional discovery.

23. On February 28, 2018, Counsel for defendants stipulated to an extension of time to review discovery still outstanding.

24. The time period from February 28, 2018 thru August 20, 2018 was excluded from speedy trial act calculations under the Order entered March 1, 2018.

25. The matter was set for trial on August 20, 2018.

26. The Court ordered that all motions be filed three weeks after discovery is provided.

27. The Court ordered that all plea agreements are due by July 30, 2018.

28. On May 10, 2018 the Government provided additional discovery.

29. On May 23, 2018 the Government provided additional discovery.

30. On May 29, 2018 the Government provided additional discovery.

31. On July 20, 2018 the Government provided additional discovery.

32. The Government has intimated that it intends to file a superseding indictment including a “death-resulting” count.

33. The requested continuance and additional time sought is excludable under the Speedy Trial Act, pursuant to 18 U.S.C. § 3161 (H)(7)(b)(ii), based on the grounds that this case involves charges of possession of narcotics with attempt to distribute against Mr. Shamo, which require detailed investigation and review of a significant amount of discovery. The government recently informed Mr. Shamo's counsel that they are seeking a superseding indictment, which likely will include new, differing counts as well as potentially additional discovery. Defense Counsel has engaged in good faith negotiations with the Government and continues to attempt to do so. The Government provided discovery as late as July 20, 2018.

34. The requested continuance and additional time sought is also excludable under the Speedy Trial Act, pursuant to 18 U.S.C. § 3161 (H)(7)(b)(iv), based on the grounds that additional time is necessary for effective preparation, taking into account the exercise of due diligence.

35. An additional 90 days should be sufficient to accomplish the tasks set forth above and the requested time for continuance should be excluded from the Speedy Trial Calculations.

36. Counsel for the Government, Michael Gadd, has been contacted about this continuance and does not object.

37. Mr. Shamo is currently in custody and agrees with counsel's reasons for the requested continuance as set forth above.

38. The impact of this request will continue the trial date scheduled and allow counsel the necessary time to complete the tasks set forth above.

Based on the foregoing, and good cause appearing, it is hereby:

ORDERED

The Jury Trial currently scheduled to begin on August 20, 2018, is hereby continued to the 22nd day of January, 2019 at 8:30 a.m. pursuant to 18 U.S.C. §3161(H)(1)(A), the Court finds the ends of justice served by such continuance outweigh the best interests of the public and the Defendant in a Speedy Trial. Accordingly, the time between the date of this order and the new trial dates, as set forth above, is to be excluded from Speedy Trial computation for good cause.

DATED this 3rd day of August, 2018.

BY THE COURT


Dale A Kimball
United States District Court Judge